

IN THE

Court of Appeal of the State of California

IN AND FOR THE

Fifth Appellate District

F041246 Dave Humphrey Enterprises, Inc. v. Alpine Lumber and Hardware, Inc.

The amended judgment after court trial filed on October 23, 2002, is affirmed. Respondent is awarded its costs on appeal. Dawson, J.

We concur: Harris, Acting P.J.; Buckley, J.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

F042354 People v. Newton

Appellant's petition for rehearing filed herein is denied.

F043313 People v. Carter

Oral argument having been waived in the above-entitled case in accordance with the provisions of a notice mailed to counsel, the case is submitted for decision.

F043313 People v. Carter

The judgment is affirmed.

By the Court.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

F043646 In re Tashawn W., a Minor

The above entitled cause is submitted for decision.

IN THE

Court of Appeal of the State of California

IN AND FOR THE

Fifth Appellate District

F043646 In re Tashawn W., a Minor

IT IS HEREBY ORDERED that the appeal in the above-entitled action is dismissed.

By the Court.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

F041311 DeVries v. Maples etc.

The judgment is affirmed. Respondent shall recover costs on appeal. Dawson, J.

We concur: Ardaiz, P.J.; Harris, J.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

F040169 People v. Gonzales

Filed modification of opinion (no change in judgment). The petition for rehearing is denied. Gomes, J.

We concur: Ardaiz, P.J.; Harris, J.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

F041762 People v. Pagala

Counsel having failed to request oral argument in the above-entitled case, oral argument is deemed waived in accordance with the provisions of a notice heretofore mailed to counsel and the cause is submitted.

F041762 People v. Pagala

The judgment is affirmed.

By the Court.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

F043291 In re Destiney H., a Minor; Kings County Human Services Agency v. Michelle F.

Counsel having failed to request oral argument in accordance with the provisions of a notice mailed to counsel, the cause is submitted for decision.

IN THE

Court of Appeal of the State of California

IN AND FOR THE

Fifth Appellate District

F043291 In re Destiney H., a Minor; Kings County Human Services Agency v. Michelle F.

The juvenile court's dispositional order is affirmed.

By the Court.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

F042556 People v. Van Tassel

Counsel having failed to request oral argument in the above-entitled case, oral argument is deemed waived in accordance with the provisions of a notice heretofore mailed to counsel and the cause is submitted.

F042556 People v. Van Tassel

The judgment is affirmed.

By the Court.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

F034873 People v. Reynoso

The judgment is affirmed. Vartabedian, Acting P.J.

We concur: Harris, J.; Levy, J.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

F041967 People v. Felix

The judgment is affirmed. Cornell, J.

We concur: Buckley, Acting P.J.; Wiseman, J.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

F042654 People v. Sumioka

Counsel having failed to request oral argument in the above-entitled case, oral argument is deemed waived in accordance with the provisions of a notice heretofore mailed to counsel and the cause is submitted.

IN THE

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- F042654 People. v. Sumioka**
The judgment is affirmed.
By the Court.
[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]
- F043147 Rossi v. Faria**
Counsel having failed to request oral argument in the above-entitled case, oral argument is deemed waived in accordance with the provisions of a notice heretofore mailed to counsel and the cause is submitted.
- F043147 Rossi v. Faria**
The judgment is affirmed.
By the Court.
[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]
- F042737 People v. Sertic et al.**
Counsel having failed to request oral argument in the above-entitled case, oral argument is deemed waived in accordance with the provisions of a notice heretofore mailed to counsel and the cause is submitted.
- F042737 People v. Sertic et al.**
The judgment is affirmed.
By the Court.
[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]
- F034709 People v. Reynoso**
The judgment is affirmed. Vartabedian, Acting P.J.
We concur: Harris, J.; Levy, J.
[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]
- F042420 People v. Smith**
The above-entitled case is submitted for decision.

IN THE

Court of Appeal of the State of California

IN AND FOR THE

Fifth Appellate District

F042420 **People v. Smith**

The matter is remanded to the trial court for further proceedings consistent with the views expressed herein. The court is directed to resentence Smith within the parameters of the court's indicated sentence or alternatively, to reinstate the information in this matter and to allow Smith to withdraw his plea. If the court does not impose the prior prison term enhancement, it shall strike the enhancement and state reasons for doing so. Further, in addition to the \$50 laboratory fee, the court shall impose a \$50 penalty assessment pursuant to section 1464 and a \$35 penalty assessment pursuant to Government Code, section 76000. In all other respects, the judgment is affirmed.

By the Court.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]